

1FW



Docket No.: 1289-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATIONS

In re Application of:)
Orapin P. Rubino, et al) Group Art Unit:
Serial No.: 10/728,196) Examiner: --
Filed: December 4, 2003)

For: **METHOD OF PREPARING BIOLOGICALLY ACTIVE
FORMULATIONS**

New York, NY 10036
March 30, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is being filed under the provisions
of 37 CFR§1.97.

International Search Report Lists references cited by the ISA.
March 19, 2004

International Search Report Lists references cited by the ISA.
September 6, 2005

US Re. 32,307

US 4,292,298

US 4,588,366

US 4,617,191

US 4,783,337

US 4,820,521

US 4,826,688

US 4,891,230

US 4,895,733

US 4,898,737

US 4,900,557

US 4,994,279

US 5,011,640

US 5,049,394

QUEMA

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /G.H./

US 5,082,668

US 5,084,287

US 5,132,142

US 5,229,135

US 5,284,678

US 5,292,461

US 5,458,888

US 5,549,912

US 5,637,320

US 5,709,885

US 5,753,265

US 5,783,215

US 5,807,579

US 5,807,583

US 5,817,338

US 5,891,474

US 5,958,458

US 6,077,544

US 6,132,769

US 6,132,771

US 6,136,344

US 6,171,619

US 6,183,776

US 6,197,347

US 6,224,909

US 6,238,703

US 6,322,813

US 6,354,728

US 6,379,706

US 6,387,404

US 6,449,869


US 6,586,010

EP 0 701 815
(with English abstract)

Discloses a matrix type of controlled release
pharmaceutical tablet.

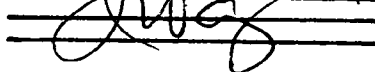
EP 0 378 404	Discloses controlled release tablet which contains a hydrogel.
WO 91/18590	Discloses a process for the manufacture of porous cellulose particles.
WO 93/07859	Discloses a process for making pharmaceutical pellets.
WO 94/28882	Discloses a tablet made up of two or more populations pellets.
WO 00/16886 (with English abstract)	Discloses a device consisting of a rotor chamber for the production of pourable products.
ZA 2000169	Discloses preparation of pellets with high water solubility.

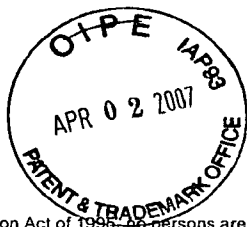
Respectfully submitted,


James V. Costigan
Registration No. 25,669

MAILING ADDRESS
HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, NY 10036-2646
(212) 302-8989

I hereby certify that this
correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 on 3/30/07





PTO/SB/08A (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/728,196
Filing Date	December 4, 2003
First Named Inventor	Orapin P. Rubino
Art Unit	1615
Examiner Name	--
Attorney Docket Number	1289-002

Sheet 1 of 4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US- Re. 32,307	12-16-1986	Werner Glatt, et al	
	AB	US- 4,292,298	09-29-1981	Adrian F. Davis	
	AC	US- 4,588,366	05-13-1986	Werner Glatt, et al	
	AD	US- 5,284,678	02-08-1994	Glatt GmbH	
	AE	US- 6,387,404	05-14-2002	Benjamin Oshlack, et al	
	AF	US- 5,753,265	05-19-1998	Astra Aktibolag	
	AG	US- 6,183,776	02-06-2001	Astra Aktibolag	
	AH	US- 4,783,337	11-08-1988	ALZA Corporation	
	AI	US- 5,082,668	01-21-1992	ALZA Corporation	
	AJ	US- 6,322,813	11-27-2001	Pharmacia AB	
	AK	US- 4,617,191	10-14-1986	Glatt GmbH	
	AL	US- 5,132,142	07-21-1992	Glatt GmbH	
	AM	US- 5,637,320	06-10-1997	Elan Corporation	
	AN	US- 5,817,338	10-06-1998	Astra Aktibolag	
	AO	US- 4,994,279	02-19-1991	Aoki, Shigeru, et al	
	AP	US- 5,783,215	07-21-1998	Arwidsson, Hans, et al	
	AQ	US- 5,891,474	04-06-1999	Busetti, Cesare, et al	
	AR	US- 6,077,544	06-20-2000	Debregeas, Patrice, et al	
	AS	US- 4,292,298	09-29-1981	Davis, Adrian F.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	AA	EP 0 378 404 A2	07-18-1990	Pfizer, Inc.		
	BB	ZA 20000169	01-17-2000	Gruenthal GmbH		
	CC	EP 0 701 815	03-20-1996	Alfatec Pharma GmbH	Abstract only	
	DD	WO 91/18590	12-12-1991	Pharmacia AB		
	EE	WO 00/16886	09-24-1998	Glatt Systemtechnik Dresd		
	FF	WO 94/28882	12-22-1994	Chih-Ming Chen		

Examiner
Signature

/Gigi Huang/

Date
Considered

12/17/2009

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /G.H./

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

4

Complete if Known

Application Number	10/728,196
Filing Date	December 4, 2003
First Named Inventor	Orapin P. Rubino
Art Unit	1615
Examiner Name	--
Attorney Docket Number	1289-002

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AT	US- 4,820,521	04-11-1989	Donald E. Panoz, et al	
	AU	US- 4,826,688	05-02-1989	Donald E. Panoz, et al	
	AV	US- 4,891,230	02-02-1990	Geoghegan et al	
	AW	US- 4,898,737	02-06-1990	Donald E. Panoz, et al	
	AX	US- 4,900,557	02-13-1990	Dell, Hans-Dieter, et al	
	AY	US- 5,049,394	09-17-1991	Howard, John R., et al	
	AZ	US- 5,229,135	07-20-1993	Philippon, Francis, et al	
	BA	US- 6,171,619	01-09-2001	Fusejima, et al	
	BB	US- 6,586,010	07-01-2003	BASF AG	
	BC	US- 4,895,733	01-23-1990	Pharmatronic AG	
	BD	US- 4,898,737	02-06-1990	Elan Corporation plc	
	BE	US- 5,011,640	04-30-1991	Aldo Zanchetta	
	BF	US- 5,084,287	01-28-1992	Warner-Lambert Company	
	BG	US- 5,292,461	03-08-1994	Rolf-Dieter Juch	
	BH	US- 5,458,888	10-17-1995	Andrx Pharmaceuticals	
	BI	US- 5,549,912	08-27-1996	Euro-Celtique, S.A.	
	BJ	US- 5,709,885	01-20-1998	Leena Hellen, et al	
	BK	US- 5,807,579	09-15-1998	F.H. Faulding & Co. Ltd	
	BL	US- 5,807,583	09-15-1998	Henning Kristensen	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 93/07859	04-29-1993	Warner-Lambert Company		

Examiner
Signature

/Gigi Huang/

Date
Considered

12/17/2009

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /G.H./

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/728,196
Filing Date	December 4, 2003
First Named Inventor	Orapin P. Rubino
Art Unit	1615
Examiner Name	--
Attorney Docket Number	1289-002

Sheet 3 of 4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	BM	US- 6,132,769	10-17-2000	Universiteit Gent	
	BN	US- 6,132,771	10-17-2000	AstraZeneca AB	
	BO	US- 6,136,344	10-24-2000	Astra Aktiebolag	
	BP	US- 6,197,347	03-06-2001	Andrx Pharmaceuticals	
	BQ	US- 6,224,909	05-01-2001	Roche Diagnostics GmbH	
	BR	US- 6,238,703	05-29-2001	Andrx Pharmaceuticals	
	BS	US- 6,354,728	03-12-2002	Glatt Systemtechnik Dresden GmbH	
	BT	US- 6,379,706	04-30-2002	Roche Diagnostics GmbH	
	BU	US- 6,449,869	09-17-2002	Glatt Systemtechnik Dresden GmbH	
	BV	US- 5,958,458	09-28-1999	Dumex-Alpha A/S	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner
Signature

/Gigi Huang/

Date
Considered

12/17/2009

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /G.H./

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known			
		Application Number	10/728,196		
		Filing Date	December 4, 2003		
		First Named Inventor	Orapin P. Rubino		
		Art Unit	1615		
		Examiner Name	--		
Sheet	4	of	4	Attorney Docket Number	1289-002

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A	International Search Report, March 19, 2004	
	B	International Search Report, September 6, 2005	
	C		
	D		
	E		
	F		
	G		
	H		
	I		
	L		

Examiner Signature	/Gigi Huang/	Date Considered	12/17/2009
--------------------	--------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /G.H./